

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

MICKEY L. DOOLEY,)	
)	
Petitioner/Defendant,)	
)	CIVIL NO. 10-165-GPM
vs.)	
)	CRIMINAL NO. 08-30010-GPM
UNITED STATES of AMERICA ,)	
)	
Respondent/Plaintiff.)	

MEMORANDUM AND ORDER

MURPHY, District Judge:

This matter is before the Court on Petitioner Mickey Dooley’s motion for relief pursuant to 28 U.S.C. § 2255. Dooley was found guilty on eight counts involving fraud, theft, tampering with evidence, and failure to file federal tax returns. He was sentenced to 120 months imprisonment; three years supervised release; a fine of \$490.00, restitution of \$48, 739.58; and a special assessment of \$625.00. On appeal, the conviction on Count 3 was reversed. *United States v. Dooley*, 578 F.3d 582 (7th Cir. 2009). Dooley was resentenced on October 26, 2009, once again to 120 months imprisonment.

Dooley then filed the instant motion under § 2255. In his motion, Dooley asserts that counsel was ineffective in many ways, including: refusing to discuss Dooley’s theories of defense, refusal to investigate information provided by Dooley, failure to do necessary investigative work, failure to challenge certain aspects of the indictment, and failure to challenge errors in his sentence computation.

After filing this action, Dooley later filed a motion “to request the court to invoke its inherent

power to vacate a judgment obtained by a fraud upon the court” (Doc. 2). In this motion, Dooley suggests that the government altered a video recording presented as evidence against Dooley. The Court construes the instant motion as a request to supplement his § 2255 motion with yet another ground for relief; this motion is **GRANTED**. The Court similarly construes the document filed at Document 3 as a supplement to the § 2255 motion.¹

The Court **ORDERS** the Government to file a response to Dooley’s motion within **THIRTY (30) DAYS** of the date of this Order. The Government shall, as part of its response, attach all relevant portions of the record. In its response, the Government shall address the issues raised in the original petition (Doc. 1) as well as those presented in the supplements (Docs. 2, 3).

IT IS SO ORDERED.

DATED: 08/11/10

s/ *G. Patrick Murphy*
G. PATRICK MURPHY
United States District Judge

¹Dooley contends that the United States Attorney’s Office is withholding “incriminating ‘physical evidence’” (Doc. 3).